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IN THE

Supreme Court of the United States

OCTOBER TERM, 1957

No. 578

CORNELL JOEL GROSSMAN, D.D.S., *Petitioner,*

v.

UNITED STATES OF AMERICA, UNITED STATES ATOMIC ENERGY COMMISSION, *Respondents.*

An Appeal From Determination of the United States Court of Appeals, for the District of Columbia Circuit

PETITION FOR REHEARING BASED ON THE NEW DECISION OF THE UNITED STATES PATENT OFFICE AND THE NEW ORDER OF THE UNITED STATES COURT OF APPEALS, DISTRICT OF COLUMBIA CIRCUIT

CORNELL JOEL GROSSMAN, D.D.S.
46 Old Short Hills Road
Millburn, New Jersey
Pro Se.

IN THE

Supreme Court of the United States

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AS THE INVENTOR WHO FIRST GAVE THE ATOMIC HYDROGEN BOMB FORMULAS TO THE UNITED STATES, PETITIONER PRAYS THAT THE SUPREME COURT REMAND THIS CASE TO THE UNITED STATES ATOMIC ENERGY COMMISSION FOR JUST COMPENSATION AND RECOGNITION.

PETITION FOR REHEARING BASED ON THE NEW DECISION OF THE UNITED STATES PATENT OFFICE AND THE NEW ORDER OF THE UNITED STATES COURT OF APPEALS, DISTRICT OF COLUMBIA CIRCUIT

The Government of the United States has presented to the Appellant substantial grounds that this Court should grant a hearing and not dismiss this case.

The Government of the United States through its most scientific and most reliable Patent Office of the United States has rendered a decision that the formula of Cornell Joel Grossman is an atomic military weapon.

This admission on the part of the Government was not heretofore available to the court or to the Appellant.

This admission nullifies the decision of the United States Atomic Energy Commission that appellant's formula was not atomic and not in the domain of the United States Atomic Energy Commission.

On January 9, 1958, The United States Patent Office rendered a decision that the formulae of Dr. Cornell Joel Grossman is an Atomic Military Weapon, and therefore in the domain of the United States Atomic Energy Commission.

In this response the Patent Office states:

> "Claims 1 to 20 are further rejected for containing subject matter barred by the Atomic Energy Act of 1954 as stated in 42 U.S.C. 2181 (Sec. 151)."

These words comprise the last paragraph of Page 3, in Paper 2, response of the United States Patent Office, to Applicant Cornell Joel Grossman, in Patent Application Number 632,001, filed January 2, 1957.

This Patent Application is titled:

> "New Chemical Combination, or Composition Useful as a Military Weapon, Bomb, Explosive for Peaceful Use Poison Gas, Fuel, Propellant, or Source of Atomic Power."

This Patent Application is substantially the same as the Atomic Hydrogen Bombs of the United States made from appellant's formulae, in this case, and therefore it is fitting for this Court to grant this petition.

The following is a quotation from Public Law 703—Aug. 30, 1954, 68 Stat., page 943:

Report of Invention to Commission.

"CHAPTER 13. PATENTS AND INVENTIONS

"SEC. 151. MILITARY UTILIZATION.—

"a. No patent shall hereafter be granted for any invention or discovery which is useful solely in the utilization of special nuclear material or atomic energy in an atomic weapon. Any patent granted for any such invention or discovery is hereby revoked, and just compensation shall be made therefor.

"b. No patent hereafter granted shall confer any rights with respect to any invention or discovery to the extent that such invention or discovery is used in the utilization of special nuclear material or atomic energy in atomic weapons. Any rights conferred by any patent heretofore granted for any invention or discovery are hereby revoked to the extent that such invention or discovery is so used, and just compensation shall be made therefor.

"c. Any person who has made or hereafter makes any invention or discovery useful (1) in the production or utilization of special nuclear material or atomic energy; (2) in the utilization of special nuclear material in an atomic weapon; or (3) in the utilization of atomic energy in an atomic weapon, shall file with the Commission a report containing a complete description thereof unless such invention or discovery is described in an application for a patent filed with the Commissioner of

Patents by such person within the time required for the filing of such report. The report covering any such invention or discovery shall be filed on or before whichever of the following is the later: either the ninetieth day after completion of such invention or discovery; or the ninetieth day after such person first discovers or first has reason to believe that such invention or discovery is useful in such production or utilization.

"d. The Commissioner of Patents shall notify the Commission of all applications for patents heretofore or hereafter filed which, in his opinion, disclose inventions or discoveries required to be reported under subsection 151 c., and shall provide the Commission access to all such applications."

The following is a copy of an Order of a Court that has had, or that has, jurisdiction in this case:

UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 12,959

CORNELL JOEL GROSSMAN, D. D. S., *Petitioner*,

v.

UNITED STATES OF AMERICA,
UNITED STATES ATOMIC ENERGY COMMISSION,
Respondents.

Before: Edgerton, Chief Judge, Wilbur K. Miller and Danaher, Circuit Judges, in Chambers.

ORDER

It appearing that on November 1, 1957, petitioner filed with this Court a reply to the order entered herein October 25, 1957, and in said reply showed that he had complied with Rule 13 of the Supreme Court of the United States. it is

ORDERED by the Court that respondents' motion to dismiss petitioner's appeal to the Supreme Court of the United States be, and it is hereby denied.

PER CURIAM.

Dated: January 6, 1958

This order was received by the Appellant after the Supreme Court decision was made. It is therefore a new reason for the Supreme Court to grant a rehearing of this case.

CORNELL JOEL GROSSMAN, D.D.S.
46 Old Short Hills Road
Millburn, New Jersey
Pro Se.

I, Cornell Joel Grossman, Appellant herein, hereby certify that the foregoing petition for a rehearing is presented to the Supreme Court of the United States, in good faith and not for delay.

It is within the discretion of the Court to decide whether or not it wishes a writ of certiorari in view of the decision of the United States Patent Office, that the Appellant's subject is Atomic Energy Matter and therefore shall not be made public by letters patent and shall be subject to Section 151 of the United States Atomic Energy Act.

This petition is restricted to the grounds above specified and to the decision of the United States Court of Appeals.

Both of these substantial decisions were only available to the Appellant after the Supreme Court of the United States made its dismissal order.

(Signed) Cornell Joel Grossman
Address 46 Old Short Hills Road
Millburn, New Jersey.

Subscribed and sworn to before
me this 17th day of Jan., 1958.

Mark T. Oliver

Notary Public of New Jersey
My Commission Expires Feb. 7, 1960

I, Cornell Joel Grossman, Appellant herein, hereby certify that on the 21st day of January, 1958, I served copies of the foregoing PETITION FOR REHEARING BASED ON THE NEW DECISION OF THE UNITED STATES PATENT OFFICE AND THE NEW ORDER OF THE UNITED STATES COURT OF APPEALS, DISTRICT OF COLUMBIA CIRCUIT, to the Supreme Court of the United States on the several parties thereto, as follows:

1. On the United States, by mailing a copy thereof to the office of William W. Fleming, Attorney, Department of Justice, Washington, D. C., attorney for the United States in this action.

And by mailing a copy in a duly addressed envelope with postage prepaid to the Solicitor General, Department of Justice, Washington 25, D.C.

2. On the Clerk of the Court, United States Supreme Court, District of Columbia Circuit, Washington, D.C. by mailing a copy, postage prepaid.

(Signed) CORNELL JOEL GROSSMAN
Address 46 Old Short Hills Road
Millburn, New Jersey.

Notary Public of New Jersey

Subscribed and sworn to before
me this 17th day of Jan., 1958.

MARK T. OLIVER

Notary Public of New Jersey
My Commission Expires Feb. 7, 1960